

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

**GUARDIAN INDUSTRIES CORP.**

**Plaintiff,**

**v.**

**C. A. No. 05-27 (SLR)**

**DELL, INC.;**  
**GATEWAY, INC.;**  
**ACER INC.;**  
**ACER AMERICA CORPORATION;**  
**AOC INTERNATIONAL;**  
**AOC INTERNATIONAL (USA) LTD.;**  
**AU OPTRONICS CORPORATION;**  
**AU OPTRONICS CORPORATION AMERICA a/k/a**  
**AU OPTRONICS AMERICA, INC.;**  
**BENQ CORPORATION;**  
**BENQ AMERICA CORPORATION;**  
**CHUNGHWA PICTURE TUBES, LTD. a/k/a**  
**CHUNGHWA PICTURE TUBES COMPANY;**  
**TATUNG COMPANY;**  
**TATUNG COMPANY OF AMERICA, INC.;**  
**COMPAL ELECTRONICS, INC.;**  
**DELTA ELECTRONICS, INC.;**  
**DELTA PRODUCTS CORPORATION;**  
**JEAN CO., LTD.;**  
**LITE-ON TECHNOLOGY CORPORATION;**  
**LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;**  
**PROVIEW INTERNATIONAL HOLDINGS, LTD.;**  
**PROVIEW TECHNOLOGY, INC.; and**  
**QUANTA DISPLAY, INC.**

**Defendants.**

---

**STIPULATED ORDER**

WHEREAS, defendant Gateway, Inc. is a Delaware corporation;

WHEREAS, Gateway, Inc. and Guardian Industries Corp. have negotiated an agreement regarding response deadlines,

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court that:

1. Gateway, Inc. agrees not to file any initial motion to transfer this case to another judicial district, but it will not be precluded from seeking to have the proceedings against it transferred to another judicial district if this Court has already granted a transfer motion of two or more parties.

2. Gateway, Inc. shall answer or otherwise respond to the complaint on or before May 2, 2005.

/s/ David E. Moore

Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
Potter Anderson & Corroon LLP  
Hercules Plaza, 6th Floor  
1313 N. Market Street  
P.O. Box 951  
Wilmington, Delaware 19899-0951  
(302) 984-6000

Robert J. Gunther, Jr.  
Kurt M. Rogers  
Latham & Watkins LLP  
885 Third Avenue  
New York, New York 10022  
(212) 906-1200

*Counsel for Gateway, Inc.*

/s/ Richard K. Herrmann

Richard K. Herrmann (I.D. No. 405)  
Mary B. Matterer (I.D. No. 2696)  
MORRIS JAMES HITCHENS & WILLIAMS  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 888-6800

Bryan S. Hales  
Craig D. Leavell  
Meredith Zinanni  
Eric D. Hayes  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, Illinois 60601  
(312) 861-2000

*Counsel for Guardian Industries Corp.*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Judge Sue L. Robinson

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of March, 2005, I electronically filed the foregoing document, **STIPULATED ORDER**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Richard L. Horwitz, Esq.  
David E. Moore, Esq.  
Potter Anderson & Corroon  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801

Jeffrey S. Goddess, Esq.  
Rosenthal Monhait Gross & Goddess, P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801

Gerard M. O'Rourke, Esq.  
Connolly Bove Lodge & Hutz LLP  
1007 North Orange Street, P.O. Box 2207  
Wilmington, Delaware 19899-2207

Kevin M. Baird, Esq.  
Young, Conaway, Stargatt & Taylor LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801

Additionally, I hereby certify that on the 15<sup>th</sup> day of March, 2005, the foregoing document was served via email on the following non-registered participants:

Teresa M. Corbin, Esq.  
Howrey Simon Arnold & White LLP  
525 Market Street, Suite 3600  
San Francisco, CA 94105  
[corbint@howrey.com](mailto:corbint@howrey.com)

York M. Faulkner, Esq.  
Finnegan Henderson Farabow Garrett &  
Dunner, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190-5675  
[york.faulkner@finnegan.com](mailto:york.faulkner@finnegan.com)

/s/ Richard K. Herrmann  
Richard K. Herrmann (#405)  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
302.888.6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Attorneys for Plaintiff  
GUARDIAN INDUSTRIES CORP.